

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 2

As Amended by Senate Committee on
Transportation

Brief*

SB 2, as amended, would authorize a restricted driver's license for a person whose driving privileges have been revoked for driving while the person's driving privilege was canceled, suspended, or revoked only for failure to comply with a traffic citation. However, a person with more than three convictions for driving with a canceled, suspended, or revoked license would not qualify for such a restricted license. Approved restricted driving privileges would remain in effect unless otherwise rescinded for the lesser of the remainder of time the person's driving privileges are revoked or three years from the date the restricted driving privileges were approved.

The bill would direct the Division of Vehicles, Department of Revenue, to rescind restricted driving privileges authorized under the bill if the person is found guilty of a violation, other than failure to comply with a traffic citation, that results in driver's license suspension, revocation, or cancellation.

The bill would state a person operating a motor vehicle in violation of the restrictions imposed shall be guilty of operating a vehicle in violation of restrictions, which is a misdemeanor.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was pre-filed for introduction by Senator Faust-Goudeau.

Senate Committee on Transportation

In the Senate Committee hearing on January 24, 2023, **proponent** testimony was provided by Senator Faust-Goudeau, the chairperson of the Kansas NAACP, representatives of Americans for Prosperity-Kansas and Racial Profiling Advisory Board of Wichita, and a private citizen. Written-only proponent testimony was provided by representatives of American Civil Liberties Union-Kansas, Kansas Appleseed Center for Law and Justice, Kansas Association of Chiefs of Police, Kansas Chamber, Kansas Peace Officers Association, Kansas Sheriffs Association, Overland Park Chamber, and The Caring Center of Wichita, and by three private citizens. The proponents stated Kansas has a high rate of driver's license suspensions, failure to comply with a traffic citation is not directly related to highway safety, and driver's licenses enable employment.

No other testimony was provided.

On January 31, 2023, a representative of the Legislative Division of Post Audit (LPA) presented the April 2022 LPA report "Impacts and Financial Aspects of the Kansas Driver's License Suspension and Revocation Process" to the Senate Committee.

The Senate Committee amended the bill to specify the period of time the restricted driving privileges would remain in effect.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Department of Revenue states enactment of the bill would allow approximately 3,300 people to be eligible for restricted driver's licenses. It also states enactment of the bill would have no fiscal effect on the agency.

The Office of Judicial Administration states enactment of the bill could increase the number of cases filed in district courts because it would create a crime. However, a fiscal effect cannot be determined because the number of additional cases is unknown.

The Kansas Sentencing Commission indicates enactment of the bill may decrease the number of prison beds needed, as fewer individuals would be arrested for driving a motor vehicle with a suspended, revoked, or canceled driver's license and subject to a related search that could produce evidence of felony violations. However, an effect cannot be determined because the reduction in searches cannot be estimated. The Department of Corrections indicates enactment of the bill would have a negligible fiscal effect on the agency.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Driver's license; traffic citation; restricted license